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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/075,082

02/13/2002

Anthony C. Parra

7564

30406

7590

12/09/2005

EXAMINER

ROBERT L. MARSH

54 DANADA DRIVE

P.O. BOX 4468

WHEATON, IL 60187-4468

ART UNIT

PAPER NUMBER

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/075,082	<b>Applicant(s)</b> PARRA ET AL.	
	<b>Examiner</b> Julie K. Brockett	<b>Art Unit</b> 3713	

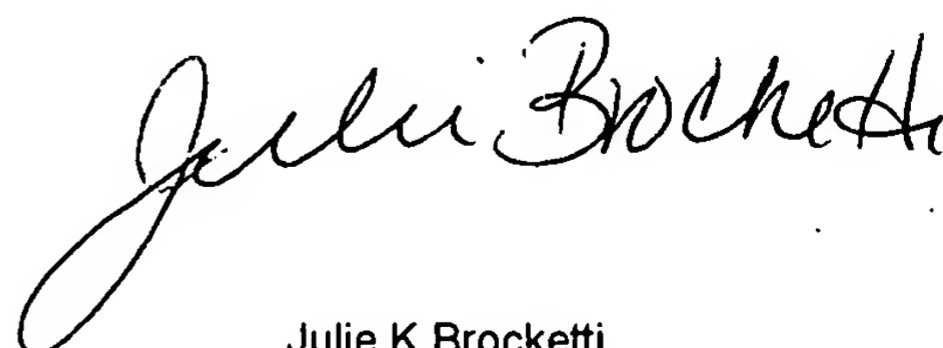
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 28 July 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



Julie K. Brockett  
 Primary Examiner  
 Art Unit: 3713

Continuation of 10. Other (including any explanation in support of the above items): The brief does not mention "by name" the real party in interest. The brief only mentions the real party as appellants, who are the applicants and the inventors. The Examiner notes that the individuals need to be referred to by their names.

With regards to item 4, in the Summary of the Claimed Subject Matter section, the structure corresponding to the means plus function language in claim 4 needs to be referenced in the specification since claim 4 is being argued separately. Furthermore, all a summary of the claimed subject matter for all claims argued separately needs to be provided.

With regards to item 6, it is noted that (a) and (b) is only one ground of rejection and should be listed as such.

With regards to item 7, it is noted that the spate heading is required for each ground of rejection. The Examiner notes that while Applicant has supplied headings they are not that visible as headings and should be either bold faced or underlined in order to stand out. Also each claim argued separately should be placed under a subheading. Therefore, claim 10, which are argued separately, should be placed under a subheading with respect to the first ground of rejection.

With regards to items 8 and 9, Applicant needs to add a page with an evidence appendix and a page with the related proceedings appendix even if there are none. Please label them as NONE as seen in MPEP 1205.02.

The Examiner notes that the Appeal Brief was not signed.

The heading "Conclusion" is an improper heading and should be deleted.